

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 04-2150

THOMAS L. SWITZER,

Plaintiff - Appellant,

versus

MARSHA GARST,

Defendant - Appellee.

Appeal from the United States District Court for the Western District of Virginia, at Harrisonburg. Samuel G. Wilson, District Judge. (CA-04-64-SGW)

Submitted: January 28, 2005

Decided: February 25, 2005

Before WILLIAMS, TRAXLER, and KING, Circuit Judges.

Dismissed by unpublished per curiam opinion.

Thomas L. Switzer, Appellant Pro Se.

Unpublished opinions are not binding precedent in this circuit.
See Local Rule 36(c).

PER CURIAM:

Thomas L. Switzer appeals the district court's orders denying his application to proceed in forma pauperis, denying his request for reconsideration, and dismissing without prejudice his civil action as frivolous. Because the dismissal was without prejudice, we dismiss the appeal for lack of jurisdiction because the order is not a final, appealable order. See Domino Sugar Corp. v. Sugar Workers Local Union 392, 10 F.3d 1064, 1066-67 (4th Cir. 1993). We also deny Switzer's motion to proceed in forma pauperis on appeal. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

DISMISSED